

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KENDRICK JOHNSON

PLAINTIFF

V.

NO: 4:06CV137- EMB

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER DISMISSING CASE

The Court takes up, *sua sponte*, the dismissal of this case. On May 21, 2007, the Court entered an Order scheduling a *Spears* hearing in this case. (Dckt. Entry #10]. The Order cautioned Plaintiff that failure to keep the Court informed of his current address could lead to the dismissal of this lawsuit. Plaintiff understood this warning, as he previously notified the Court of a change of address on July 13, 2007 [dckt. entry # 13]. Notwithstanding, Plaintiff has failed to comply with the Court's Order, the Court having received mail returned from Plaintiff's last known address on two occasions. This case is **THEREFORE DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the Court under Fed.R.Civ.P. 41(b).

SO ORDERED this 6th day of March, 2008.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE